

Remarks

Applicant gratefully acknowledges the courtesy shown by the Examiner during a brief interview on August 10, 2006. A separate summary of that interview is submitted herewith.

By the foregoing amendment, all the pending claims have been cancelled and new claims 18-25 and 26-29 are submitted.

Support for the new claims is found in the specification in Paragraphs [00014]-[00019].

Claims 18-29 are directed at elements of the embodiment of the invention shown in FIGS. 1-3.

Prior claims 1, 5-8, and 13-17 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. New claims 18-25 and 26-29 are written to omit the various claim language that the Examiner considered indefinite. It is submitted that the new claims are sufficiently definite, and withdrawal of this rejection is respectfully requested.

Prior claims 1, 5-8, and 13-17 were rejected under 35 U.S.C. §112, second paragraph as being failing to comply with the written description and enablement requirements, as the claim language reciting a decreasing diameter in the distal end direction was considered inconsistent with the specification. The terms in issue in the prior rejection have been cancelled and it is submitted that the rejection can be withdrawn. Further, it is submitted that the invention as presented in the new claims is consistent with the specification. If there are any remaining §112 issues, the Examiner is invited to call the undersigned attorney to enter any further amendments that may be needed to address such issues.

The Examiner rejected claims 1, 5, 7, 13 and 15-17 under 35 U.S.C. 103(b) as unpatentable over Minneman, US Pat. No. 3,807,466, in view of Knight, U.S. patent 1,899,095; or Pape, U.S. Patent 2,412,531. Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Minneman in view of Knight or Pape and further in view of Discho, US Pat. No. 361,143, or Reynolds, US Pat. No. 359,889. Claim 6 was similarly rejected further in view of Hellebush, US Pat. No. 2,719,655.

The present invention is not a complicated one – it is a weighing pan having an integral funnel and spout which allows allowing powder to be weighed and then easily transferred to an ammunition cartridge. Applicant's now-cancelled claims have been interpreted more broadly than Applicant intended, leading to the rejections of record. Applicant's new claims are presented in an effort to exactly and precisely define the invention, and to omit language which might be read more broadly than intended. Applicant respectfully submits that new claims 18-29 are patentable over the cited references.

The following references have been relied on for a rejection:
Minneman (US Pat. No. 3,807,466) discloses a loading funnel for loading cartridges;
Knight, U.S. patent 1,899,095 discloses a loading funnel for loading bomb casings with explosive powder;
Pape, U.S. Patent 2,412,531 discloses a funnel for use in cleaning a smoker's pipe;
Discho, US Pat. No. 361,143 discloses a watering can;
Reynolds, US Pat. No. 359,889 discloses a watering can; and
Hellebush, U.S. patent 2,719,655 discloses a pan with a drainage spout from one corner.

None of the references disclose the claimed combination of a pan with a laterally extending funnel that ends in a flared spout as is defined by new claims 18-29.

No combination of the cited references would result in the claimed invention.

Nor is there any teaching in the references of any motivation to combine the references to arrive at the presently claimed invention.

Therefore, it is respectfully submitted that the rejection under 35 U.S.C. §103 should be withdrawn, and the newly proposed claims 18-29 should be allowed. Favorable reconsideration and early notice to that effect is earnestly requested.

Respectfully submitted,

October 11, 2006



Stephen P. McNamara, Registration No. 32,745
Hyun Jong Park, Registration No. L0076
Attorneys for Applicant
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155